

1.

THE UNITED STATES DISTRICT
COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

COMMERCIAL CREDIT GROUP INC.

Plaintiff,
vs.

Case No.: 3:09-cv-388

INDIAN VALLEY TIMBER & STONE
COMPANY, PAULA J. ELLBERG and
DANNY C. ELLBERG,

DEFAULT JUDGMENT

Defendants.

THIS CAUSE coming on to be heard and being heard before the Court for the Western District of North Carolina, Charlotte Division, upon the motion of Plaintiff seeking entry of default judgment against the above-named Defendants pursuant to Fed.R.Civ.P. 55(b); and

It appearing to the Court that a Complaint praying for a sum certain was filed and Summons issued in this action on September 9, 2009, and said Summons, together with a copy of the Complaint, was served on each Defendant, and that the Clerk entered default against each of the Defendants on October 9, 2009 pursuant to Fed.R.Civ.P. 55(a);

It further appearing to the Court that an Affidavit in support of the motion of the Plaintiff has been filed by Plaintiff; and

It further appearing to the Court that none of the Defendants is an infant or incompetent person.

NOW, THEREFORE, JUDGMENT BY DEFAULT is hereby entered against the Defendants in pursuance of the prayer of the Complaint, and,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Plaintiff have and recover of the Defendants, Indian Valley Timber & Stone Company, Paula J. Ellberg and Danny C. Ellberg, jointly and severally, Judgment in the amount of \$455,012.14, which Judgment is hereby entered and shall accrue interest hereafter at the legal rate until paid.

Signed: October 14, 2009



Frank G. Johns, Clerk
United States District Court

